

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| _____                       | ) |                               |
| THE HIPSAVER COMPANY, INC., | ) |                               |
|                             | ) |                               |
| Plaintiff,                  | ) |                               |
|                             | ) |                               |
| v.                          | ) | Civil Action No. 05-10917 PBS |
|                             | ) |                               |
| J.T. POSEY COMPANY,         | ) |                               |
|                             | ) |                               |
| Defendant.                  | ) |                               |
| _____                       | ) |                               |

**ASSENTED-TO MOTION OF DEFENDANT,  
J.T. POSEY COMPANY FOR LEAVE TO FILE UNDER SEAL EXHIBITS  
TO ITS MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF’S COMPLAINT**

Pursuant to Local Rule 7.2, defendant J.T. Posey Company (“Posey”) respectfully moves that Exhibits 12 and 13 to J.T. Posey Company’s Motion For Summary Judgment on Plaintiff’s Complaint (which are being submitted herewith in a sealed envelope) be filed under seal and impounded until further Order of the Court.

In support thereof, Posey states the exhibits and the information therein have been designated by the parties as “Confidential – Attorneys’ Eyes Only” under the Protective Order in this case (Docket No. 48). In accordance with Local Rule 7.2, Posey requests that the exhibits be impounded until the final resolution of this litigation between the parties, at which time they will be retrieved by Posey.

Pursuant to Local Rule 7.1(A)(2), counsel for Posey has conferred with the plaintiff’s counsel regarding this motion. The plaintiff has no objection to placing the memorandum and exhibits under seal.

WHEREFORE, Posey requests that the Court enter an Order impounding the above-referenced documents.

J.T. POSEY COMPANY

By its attorneys,

/s/ Anthony J. Fitzpatrick  
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December 12, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of electronic filing and paper copies will be sent to those indicated as non-registered participants on December 12, 2006. The Exhibits 12 and 13 to J.T. Posey Company's Motion For Summary Judgment that are being filed under seal will be delivered by hand or via first class mail to the following people:

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